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GAU 1714-
1762TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

Application Number	09/989,033
Filing Date	November 21, 2001
First Named Inventor	Chudzik
Art Unit	1714
Examiner Name	
Attorney Docket Number	9896.129.3.1.1

Total Number of Pages in This Submission

ENCLOSURES (Check all that apply)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Mary P. Bauman
Signature	<i>Mary P. Bauman</i>
Date	September 26, 2003

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Teresa Schmetman	
Signature	<i>Teresa Schmetman</i>	Date
		9-26-03

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Stephen J. Chudzik et al.

Serial No. 09/989,033

Filed: 21 November 2001

For: BIOACTIVE AGENT RELEASE
COATING

To: Assistant Commissioner for Patents
Box 1450, Alexandria, VA 22313

) Customer No. 022859

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) Our Ref. 9896.129.3.1.1

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RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action mailed August 26, 2003, the unextended period for response to which is set to expire September 26, 2003, the Examiner has required restriction to one of the following inventions under 35 U.S.C. § 121:

- I. Claims 31-40, drawn to a method of coating a medical device; and
- II. Claim 41 drawn to a method of implanting a medical device.

In response to the restriction requirement, Applicants provisionally elect Group I (Claims 31-40) with traverse.

The claims of Groups I and II meet the requirements for consideration in a single application, *inter alia*, in that the method of claim 41 literally incorporates a device prepared according to the method of claim 31. Hence these corresponding methods are indeed disclosed as capable of use together, providing both a process of coating, and in turn, using a device thus coated. In turn, examination of these "groups" would not require additional search or impose

significant burden on the Office, would facilitate the prosecution of this application, and is well within the Examiner's discretion.

Accordingly, reconsideration and withdrawal of the restriction requirement is respectfully requested.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Dated: September 26, 2003

Mary P. Bauman

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